

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Consolidated Matters of:	
CAPISTRANO UNIFIED SCHOOL DISTRICT,	OAH Case No. 2016010119
v.	
PARENT ON BEHALF OF STUDENT,	
PARENT ON BEHALF OF STUDENT,	OAH Case No. 2016020288
v.	
CAPISTRANO UNIFIED SCHOOL DISTRICT.	ORDER GRANTING MOTION TO CONSOLIDATE

On January 6, 2016, Capistrano Unified School District filed with the Office of Administrative Hearings a Request for Due Process Hearing in OAH case number 2016010119, naming Student.

On February 3, 2016, Student filed a Request for Due Process Hearing in OAH case number 2016020288, naming District.

On February 19, 2016, the parties filed a Joint Stipulation and Motion to Consolidate Student's Case with District's Case and to continue the mediation, prehearing conference, and due process hearing dates set in Case Number 2016020288.

*Consolidation*

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

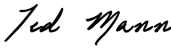
Here, the two cases involve common questions of law or fact, arising from the assessment of Student and District's offers of a free appropriate public education at several individualized education program meetings. Both parties join in requesting consolidation of the cases. In addition, consolidation furthers the interests of judicial economy because of the commonality of witnesses and evidence for hearing in each case. Accordingly, consolidation is granted.

#### ORDER

1. The parties' joint Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2016020288 are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2016010119.
4. All dates in OAH Case No. 2016010119 are adopted as the dates for the mediation, prehearing conference, and due process hearing in the consolidated cases.

IT IS SO ORDERED.

DATE: March 04, 2016

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TED MANN  
Administrative Law Judge  
Office of Administrative Hearings